

**AGENDA ITEM SUMMARY FORM**File ID: #8613Date: 02/10/2021Requesting Department: City Manager's OfficeCommission Meeting Date: 02/25/2021

Sponsored By:

District Impacted: AllType: ResolutionSubject: Bid Waiver – Miguel De Grandy**Purpose of Item:**

A Resolution of the Miami Commission, with attachment(s), by a four-fifths (4/5ths) affirmative vote, after an advertised public hearing, ratifying, confirming, and approving the City Manager's recommendation and written findings, attached and incorporated as Exhibit "A", pursuant to Section 18-85(a) of the Code of the City of Miami, Florida, as amended; waiving the requirements for competitive sealed bidding methods as not being practicable or advantageous to the City of Miami ("City") for the provision of Redistricting Services, with Holland & Knight LLP ("H&K") to engage Mr. Miguel De Grandy to perform said services, as approved by the City Commission; authorizing the City Manager to negotiate and execute an agreement between the City and H&K, in substantially the attached form; further authorizing the City Manager to negotiate and execute all other documents, including any amendments, renewals, and extensions subject to allocations, appropriations and budgetary approval having been previously made, and in compliance with applicable provisions of the Code of the City of Miami, Florida, as amended, ("City Code"), including, the City of Miami's Procurement Ordinance, Anti-deficiency Act, and Financial Integrity Principles, all as set forth in Chapter 18 of the City Code, in a form acceptable to the City Attorney, and in compliance with applicable regulations, as may be necessary for said purpose.

Additionally, the Miami Commission hereby waives any conflict that may arise with respect to H&K (1) serving as redistricting counsel/consultant to the City on the one hand and, on the other, (2) representing other clients (architects, City taxpayers, City residents, property owners, lenders, contractors, subcontractors, developers, sport franchises, media companies and the like) in unrelated matters in connection with negotiations and disputes (including but not limited to settlement discussions, litigation, mediation, arbitration, legislation, lobbying, land use, permitting, quasi-judicial, code enforcement, subdivision, procurement, community redevelopment ("CRA"), public records requests and administrative proceedings) arising with respect to the City and/or development projects and public solicitations undertaken by the City.

Background of Item:

It is generally an accepted practice for local governments to every ten (10) years, in conjunction with the United States Census, examine the makeup of the City Commission districts to ensure the principle of "one person, one vote." Preliminary reports of the 2020 Census have revealed that the population growth of the City of

PLAINTIFFS' TRIAL
EXHIBIT**P10**

1:22-cv-24066-KMM

exhibitsclerk.com

COM24066-028531

Miami has not been uniform across all five (5) of the City's Commission districts. The City of Miami is desirous of ensuring that all five Commission districts provide proper proportional representation. Engaging H&K through a Professional Services Agreement is necessary to analyze the demographic data related to the City's population and conduct studies to determine whether and how the City Commission districts should be amended.

Mr. De Grandy has extensive experience with performing redistricting services for the City in the past, including the 2010 cycle. Redistricting is highly specialized and there are not many experts locally in this field. In addition, the City's Redistricting Plan must be presented and approved prior to September 2021 in order to qualify for the 2021 election. This is a time sensitive project that will be condensed into a six (6) month period. Mr. De Grandy has offered the City to perform these services at the same flat fee of one-hundred thousand dollars \$100,000.00 for his services as were paid in the 2010 cycle.

Budget Impact Analysis

Item has NO budget impact
Item is an Expenditure
Item is NOT funded by Bonds

Total Fiscal Impact:

N/A

Reviewed By

City Manager's Office	Arthur Noriega V	City Manager Review	Completed	02/16/2021 8:37 PM
Department of Procurement	Annie Perez	Procurement Review	Completed	02/16/2021 9:10 PM
Office of Management and Budget	Carolina Aguila	Budget Analyst Review	Skipped	02/16/2021 9:47 PM
Office of Management and Budget	Leon P Michel	Budget Analyst Review	Completed	02/16/2021 9:57 PM
Legislative Division	Valentin J Alvarez	Legislative Division Review	Completed	02/16/2021 9:58 PM
Office of the City Attorney	Pablo Velez	ACA Review	Completed	02/16/2021 10:31 PM
City Commission	Nicole Ewan	Meeting	Completed	02/25/2021 9:00 AM
Office of the City Attorney	Barnaby L. Min	Deputy City Attorney Review	Completed	03/03/2021 3:20 PM
Office of the City Attorney	Victoria Méndez	Approved Form and Correctness	Completed	03/08/2021 2:45 PM
Office of the City Clerk	City Clerk's Office	Rendered	Completed	03/08/2021 2:53 PM



City of Miami
Legislation
Resolution

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

Enactment Number: R-21-0084

File Number: 8613

Final Action Date: 2/25/2021

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENTS, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AFTER AN ADVERTISED PUBLIC HEARING, RATIFYING, CONFIRMING, AND APPROVING THE CITY MANAGER'S RECOMMENDATION AND WRITTEN FINDINGS, ATTACHED AND INCORPORATED AS EXHIBIT "A", PURSUANT TO SECTION 18-85(A) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), WAIVING THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING METHODS AS NOT BEING PRACTICABLE OR ADVANTAGEOUS TO THE CITY OF MIAMI ("CITY") FOR THE PROVISION OF REDISTRICTING SERVICES BY HOLLAND & KNIGHT LLP, A FLORIDA LIMITED LIABILITY PARTNERSHIP ("H&K"), AND ENGAGING MR. MIGUEL DE GRANDY FOR THE FLAT FEE OF ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), CONTINGENT UPON APPROVAL OF THE WAIVER OF CONFLICTS FOR H&K AS STIPULATED IN EXHIBIT "B", ATTACHED AND INCORPORATED; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND H&K, IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; FURTHER AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY AND ALL OTHER DOCUMENTS, INCLUDING ANY AMENDMENTS, RENEWALS, AND EXTENSIONS, SUBJECT TO ALL ALLOCATIONS, APPROPRIATIONS, PRIOR BUDGETARY APPROVALS, COMPLIANCE WITH ALL APPLICABLE PROVISIONS OF THE CITY CODE, INCLUDING THE CITY'S PROCUREMENT ORDINANCE, ANTI-DEFICIENCY ACT, AND FINANCIAL INTEGRITY PRINCIPLES, AS SET FORTH IN CHAPTER 18 OF THE CITY CODE, IN FORMS ACCEPTABLE TO THE CITY ATTORNEY, AND IN COMPLIANCE WITH ALL APPLICABLE LAWS, RULES, AND REGULATIONS, AS MAY BE DEEMED NECESSARY FOR SAID PURPOSE.

WHEREAS, the City Manager has determined that it is not practicable or advantageous to the City of Miami ("City") to adhere to competitive sealed bidding methods for the provision of redistricting services ("Services") and, therefore, seeks a waiver of such requirements pursuant to Section 18-85(a) of the Code of the City of Miami, Florida, as amended ("City Code"); and

WHEREAS, every ten (10) years, it is a generally accepted practice for local governments, in conjunction with the United States ("U.S.") Census Bureau, to examine the makeup of City Commission districts to ensure the principle of "one person, one vote"; and

WHEREAS, preliminary reports of the 2020 Census have revealed that the population growth of the City has not been uniform across all five (5) of the City Commission districts; and

WHEREAS, the City is desirous of ensuring that all five (5) City Commission districts provide proper proportional representation; and

WHEREAS, the City Manager recommends the engagement of Holland & Knight LLP, a Florida limited liability partnership ("H&K"), to provide the Services; and

WHEREAS, by engaging Miguel De Grandy ("Mr. De Grandy") of H&K, the City can obtain the analysis necessary of the demographic data related to its population and the required studies can be conducted to determine whether and how the City Commission districts should be amended; and

WHEREAS, redistricting is a highly specialized matter with few local experts and Mr. De Grandy has extensive past experience performing these Services for the City, inclusive of the 2010 cycle; and

WHEREAS, the City's Redistricting Plan must be presented and approved prior to September 2021 in order to qualify for the 2021 election and will need to be condensed into a six (6) month period to achieve said qualification; and

WHEREAS, Mr. De Grandy has offered to perform these Services for the City at the same flat fee of the One Hundred Thousand Dollars (\$100,000.00) that was paid in the 2010 cycle; and

WHEREAS, H&K is an international law firm with active matters in the City; and

WHEREAS, the engagement of H&K and Mr. De Grandy for the Services is contingent upon City Commission approval of a waiver of conflicts as stipulated in Exhibit "B", attached and incorporated; and

WHEREAS, the City Manager's recommendation and written findings, attached and incorporated as Exhibit "A", waiving the requirements for competitive sealed bidding methods as not being practicable or advantageous to the City for the provision of the Services by H&K and engaging Mr. De Grandy for the flat fee of One Hundred Thousand Dollars (\$100,000.00) must be ratified, confirmed, and approved by the City Commission by a four-fifths (4/5ths) affirmative vote after an advertised public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. By a four-fifths (4/5ths) affirmative vote, after an advertised public hearing, the City Manager's recommendation and written findings, attached and incorporated as Exhibit "A", pursuant to Section 18-85(a) of the City Code, waiving the requirements for competitive sealed bidding methods as not being practicable or advantageous to the City for the provision of the Services by H&K and engaging Mr. De Grandy for the flat fee of One Hundred Thousand Dollars (\$100,000.00) are ratified, approved, and confirmed.

Section 3. The City Commission approves the waiver of conflicts for H&K as stipulated in Exhibit "B", attached and incorporated.

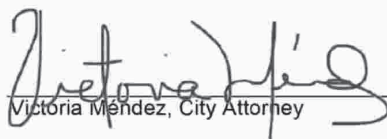
Section 4. The City Manager is authorized¹ to negotiate and execute an agreement between the City and H&K, in a form acceptable to the City Attorney, for the purposes stated herein.

¹ The herein authorization is further subject to compliance with all legal requirements that may be imposed including, but not limited to, those prescribed by applicable City Charter and City Code provisions.

Section 5. The City Manager is further authorized¹ to negotiate and execute any and all other necessary documents, including any amendments, renewals, and extensions, subject to all allocations, appropriations, prior budgetary approvals, compliance with all applicable provisions of the City Code, including the City's Procurement Ordinance, Anti-Deficiency Act, and Financial Integrity Principles, as set forth in Chapter 18 of the City Code, in forms acceptable to the City Attorney, and in compliance with all applicable laws, rules, and regulations, as may be deemed necessary for said purpose.

Section 6. This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney 3/8/2021

Pursuant to the resolution, this item became effective immediately upon adoption by the Commission.